IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

State of Rajasthan & Another Vs. Rakesh Prajapati
(D.B. Civil Special Appeal No.267/1995)

D. B. Civil Special Appeal under Sec.18 of the Rajasthan High Court Ordinance against the order dated 15-12-1994 in SB Civil Writ Petition No.407/1990.

Date of Judgment: January 17, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S.CHAUHAN

Mr. M.L.Goyal, Addl. Govt. Advocate, for the appellants.

BY THE COURT: (Oral)

Challenge in the instant appeal is to the order dated December 15, 1994 whereby learned Single Judge allowed the writ petition preferred by respondent holding that why the respondent should be made to work on daily wages even after a long period of 8 years and directed the appellants to put the respondent in regular scale of pay. The appellants were also directed to pay back wages to respondent from the date of institution of the writ petition i.e. January 17, 1990.

2. We have heard the submissions advanced before us and scanned the material on record.

3. Having scanned the material on record, we notice that the respondent was appointed as Calss IV employee on daily wage basis in the office of Director, Social Welfare Department on November 7, 1986. The appellants ought to have advertised the posts for regular appointment and if

that has not been done for a long period more than 8 years, the employee, who worked for unlimited number of years, is entitled to get equal pay in proportion to the work discharged by him as has been held in Bhura Ram Raigar Vs. State of Rajasthan 1991(2) WLC 115. Learned Single Judge was also of the opinion that the work allotted to respondent was of continuous nature. We find no infirmity in impugned judgment of the learned Single Judge.

4. For the reasons mentioned above, we find no merit in the instant appeal. The same stands dismissed without any order as to costs.

(R.S.Chauhan),J. (Shiv Kumar Sharma)J.

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